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Sarah Christopher Foley
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August 4, 2020

VIA E-MAIL AND U.S. MAIL

Karla Nemeth, Director
Spencer Kenner, Chief Counsel
California Department of Water Resources
1416 9th Street
Sacramento, CA 95814
Email: karla.nemeth@water.ca.gov
spencer.kenner@water.ca.gov

Timothy Ross Ph.D., P.G., CHG
California Department of Water Resources, Southern Region Office
770 Fairmont Ave, Suite 200
Glendale CA, 91203
Email: timothy.ross@water.ca.gov

Re: *Borrego Water District v. All Persons Who Claim a Right to Extract Groundwater in the Borrego Valley Groundwater Subbasin, etc., et al.*,
San Diego Superior Court Case No. 37-2020-00005776-CU-TT-CTL
Comprehensive Groundwater Adjudication

Dear Ms. Nemeth, Mr. Kenner, and Mr. Ross:

On July 20, 2020, the Court approved a Notice of Commencement of Groundwater Adjudication and form answer for use in the above-referenced case, a comprehensive adjudication of the Borrego Springs Groundwater Subbasin No. 7-024.01.

Accordingly, pursuant to California Civil Procedure Code section 836(m), Plaintiff Borrego Water District hereby provides you with court-approved versions of:

- Notice of Commencement of Groundwater Basin and Watershed Adjudication (“Notice of Adjudication”);
- Form Answer.

Please confirm receipt and confirm when you have completed the tasks described in paragraphs (1) and (2) of California Civil Procedure Code section 836(m), including posting the



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Karla Nemeth
Spencer Kenner
Timothy Ross Ph.D.
August 4, 2020
Page 2

Notice of Adjudication and Form Answer on your internet website within fifteen (15) days of receipt and providing a link to the Notice of Adjudication and Form Answer on the home page of your internet website.

If you have any questions or concerns, or if you want to receive additional pleadings on file in this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Christopher Foley".

Sarah Christopher Foley
for BEST BEST & KRIEGER LLP

Enclosures

1 JAMES B. GILPIN, Bar No. 151466
james.gilpin@bbklaw.com
2 STEVE M. ANDERSON, Bar No. 186700
steve.anderson@bbklaw.com
3 SARAH CHRISTOPHER FOLEY, Bar No. 277223
sarah.foley@bbklaw.com
4 BEST BEST & KRIEGER LLP
655 West Broadway
5 15th Floor
San Diego, California 92101
6 Telephone: (619) 525-1300
Facsimile: (619) 233-6118
7

8 Attorneys for Plaintiff
BORRÉGO WATER DISTRICT

Exempt from Filing Fees Pursuant to
Government Code Section 6103

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF ORANGE

11
12 BORREGO WATER DISTRICT,
13 Plaintiff,

Case No. 37-2020-00005776
Judge: Peter J. Wilson
Dept. CX102

14 v.

15 ALL PERSONS WHO CLAIM A RIGHT TO
16 EXTRACT GROUNDWATER IN THE
BORREGO VALLEY GROUNDWATER
17 SUBBASIN NO. 7.024-01 WHETHER
BASED ON APPROPRIATION,
18 OVERLYING RIGHT, OR OTHER BASIS
OF RIGHT, AND/OR WHO CLAIM A
19 RIGHT TO USE OF STORAGE SPACE IN
THE SUBBASIN; et al.

NOTICE OF COMMENCEMENT OF
GROUNDWATER ADJUDICATION IN
THE BORREGO VALLEY
GROUNDWATER SUBBASIN NO. 7-
024.01

CMC: September 25, 2020
Time: 9:00 a.m.

20 Defendants.

Complaint filed: January 30, 2020
Trial Date: None Set

1 A form answer is provided for your convenience. You may fill out the form
2 answer and file it with the court. Should you choose to file the form answer, it will
3 serve as an answer to all complaints and cross-complaints filed in this case.
4

5 The following information is provided pursuant to Code of Civil
6 Procedure section 836(a)(1)(B):
7

8 (i) Name of Basin: Borrego Valley – Borrego Springs Groundwater
9 Subbasin, Department of Water Resources’ Bulletin 118, Groundwater Basin No.
10 7-024.01 (“Basin”).
11

12 Information and interactive maps of the Basin posted by the
13 Department of Water Resources are available at
14 [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2016-Basin-Boundary-Descriptions/7_024_01_BorregoSprings.pdf)
15 [Management/Bulletin-118/Files/2016-Basin-Boundary-](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2016-Basin-Boundary-Descriptions/7_024_01_BorregoSprings.pdf)
16 [Descriptions/7_024_01_BorregoSprings.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2016-Basin-Boundary-Descriptions/7_024_01_BorregoSprings.pdf) and <https://gis.water.ca.gov/app/bbat/>
17 and <https://gis.water.ca.gov/app/bp-dashboard/final/>.
18

19 (ii) Case No.: 37-2020-00005776¹
20 Name and Address of Court: Orange County Superior Court
21 Civil Complex Center
22 751 West Santa Ana Boulevard
23 Santa Ana, California, 92701
24 Judge: Peter J. Wilson
25 Department: CX102
26

27 ¹ This case was originally filed in San Diego Superior Court. All San Diego Superior Court
28 Judges are disqualified from this case. Accordingly, Orange County Superior Court Judge Peter
J. Wilson has been assigned to sit as Judge of San Diego Superior Court for this matter per Order
for Reassignment of Case to Orange County Superior Court Judge Peter J. Wilson, dated June 16,
2020. The San Diego Case Number has been retained for this matter.

1 (iii) Form answers should be sent to and a copy of the complaint may be
2 obtained from Plaintiff’s attorney, who may be contacted at the following mailing
3 address, telephone number, and email address:

4 Sarah Christopher Foley
5 Best Best & Krieger LLP
6 655 West Broadway, 15th Floor
7 San Diego, California 92101
8 Telephone: 619-525-1354
9 BorregoGroundwaterAdjudication@bbklaw.com

8 (iv) Plaintiff Borrego Water District (“BWD”) filed a Complaint initiating
9 an action for a comprehensive adjudication of the Borrego Valley – Borrego Springs
10 Groundwater Subbasin, Department of Water Resources’ Bulletin 118,
11 Groundwater Basin No. 7-024.01. The Complaint alleges two causes of action: (1)
12 comprehensive adjudication of the Borrego Valley – Borrego Springs Groundwater
13 Subbasin No. 7-024.01, pursuant to sections 830, *et seq.* of the Code of Civil
14 Procedure; (2) preliminary injunction pursuant to section 847 of the Code of Civil
15 Procedure. The Complaint requests the following relief: (1) a judgment to
16 comprehensively determine and adjudicate all groundwater rights in the Basin and
17 provide a physical solution for the perpetual and continuous management of the
18 Basin; (2) a preliminary injunction to provide for the management of the Basin,
19 during the pendency of this action including without limitation for the appointment
20 of an interim Watermaster; (3) entry of judgment against all defendants who fail to
21 appear in this action that they are bound by the judgment and physical solution,
22 and their water rights and storage rights in the Basin, if any, are limited to the
23 terms of the physical solution; (4) judgment against all persons who, presently or
24 in the future, own an interest in real property overlying the Basin and who fail to
25 appear in this action that they are bound by the judgment and physical solution,
26 and their water rights in the Basin, if any, are limited to the terms of the physical
27 solution; and (5) such other and further relief as the Court deems just and proper.
28

1 (v) Date by which persons receiving this notice must appear in the
2 comprehensive adjudication: within sixty (60) days of receipt of this notice.

3
4 (vi) Important documents and information regarding this case are available
5 on the case website at: <http://www.BorregoWaterLawsuit.com>.

6
7 (vii) A toll-free call center will be established for this case, and the number
8 will be posted on the case website.

9
10 Dated: August 4, 2020

BEST BEST & KRIEGER LLP

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12 By: 
13 _____
14 JAMES B. GILPIN
15 STEVE M. ANDERSON
16 SARAH CHRISTOPHER FOLEY
17 Attorneys for Plaintiff
18 BORRÉGO WATER DISTRICT

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Name of Owner/Defendant/Attorney

Address

Address

Phone Number

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

BORREGO WATER DISTRICT,
Plaintiff,

v.

ALL PERSONS WHO CLAIM A RIGHT TO
EXTRACT GROUNDWATER IN THE
BORREGO VALLEY GROUNDWATER
SUBBASIN NO. 7.024-01 WHETHER
BASED ON APPROPRIATION,
OVERLYING RIGHT, OR OTHER BASIS
OF RIGHT, AND/OR WHO CLAIM A
RIGHT TO USE OF STORAGE SPACE IN
THE SUBBASIN; AGRI-EMPIRE; RICK
AND JOAN ANSON, CO-TRUSTEES OF
THE ANSON FAMILY TRUST 08-18-08;
ANZA-BORREGO DESERT STATE PARK;
ALAN & TRACY ASCHE; GARY D. &
DARLIS A. BAILEY; DAVID AND JULI
BAUER, CO-TRUSTEES OF THE D&J
BAUER FAMILY TRUST 11-18-04;
WILLIAM M. BAUER; BORREGO AIR
RANCH MUTUAL WATER &
IMPROVEMENT CO.; BORREGO
NAZARETH, LLC; BORREGO UNIFIED
SCHOOL DISTRICT; ROLAND J. JENSEN,
TRUSTEE OF THE JENSEN FAMILY
TRUST 8-5-83; RAYMOND A. CARPENTER
AND SUSAN R. CARPENTER, CO-
TRUSTEES OF THE CARPENTER FAMILY
TRUST 12-11-07; JAMES SOMMERVILLE,
TRUSTEE OF THE SOMMERVILLE TRUST
11-22-83; ROY BRISBOIS, TRUSTEE OF
THE CONZELMAN FAMILY TRUST A 11-

Case No. 37-2020-00005776
Judge: Peter J. Wilson
Dept. CX102

ANSWER TO ADJUDICATION
COMPLAINT

Complaint filed: January 30, 2020
Trial Date:

1 22-83; STEVEN MOHLER, TRUSTEE OF
2 THE CONZELMAN FAMILY TRUST C 11-
3 22-83; SCOTT M. CRUMRINE AND
4 STACEY L. CRUMRINE, CO-TRUSTEES
5 OF THE CRUMRINE FAMILY TRUST 04-
6 19-06; CWC CASA DEL ZORRO, LLC; DE
7 ANZA DESERT COUNTRY CLUB; JOHN
8 DOLJANIN; GENUS, L.P.; JOHN B. &
9 SILVIA H. HOGAN; JM ROADRUNNER,
10 LLC; EDWARD KITCHEN; LANCE
11 LUNDBERG, TRUSTEE OF THE
12 LUNDBERG FAMILY TRUST 10-01-98;
13 MICHAEL MAITER & JOHN SAVITTIERI;
14 MANUEL & ARACELI C. NAVARRO;
15 MONICA REAL ESTATE HOLDINGS, L.P.;
16 DOUG & PATRICIA MUNSON; RONALD
17 PECOFF; THE ROADRUNNER CLUB AT
18 BORREGO, LP; RTA BORREGO, LLC;
19 JOSE G. & MARIA E. SANCHEZ; SELEY
20 RANCHES, L.P.; SHENANDOAH
21 GROWERS, INC.; MAX SIEFKER; BRIAN
22 SIEFKER, TRUSTEE OF THE BRIAN
23 SIEFKER TRUST 12-18-01; KENT R.
24 SMITH, TRUSTEE OF THE SMITH KENT R.
25 REVOCABLE LIVING TRUST 01-04-90;
26 THE SPRINGS RV AND GOLF RESORT,
27 LP; T2 BORREGO LLC; T2 FARMS LLC; T2
28 HOLDING LLC; TROJAN CITRUS, LLC;
JOEL VANASDLN; MICHAEL C. WARD;
GAMINI D. WEERASEKERA; GABRIEL
WISDOM, TRUSTEE OF THE WISDOM
GABRIEL B&WEIS-WISDOM DIANA
FAMILY 2008 TRUST 08-01-08; WILLIAM
D. WRIGHT AND EDNA J. WRIGHT, CO-
TRUSTEES OF THE WRIGHT FAMILY
LIVING TRUST 06-19-89;

and ROES 1-5,000

Defendants.

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ANSWER TO ADJUDICATION
COMPLAINT

The undersigned denies all material allegations in the complaint or cross-complaint in this action that seeks to adjudicate rights in the Borrego Valley – Borrego Springs Groundwater Subbasin, Department of Water Resources’ Bulletin 118, Groundwater Basin No. 7.024-01 and asserts all applicable affirmative defenses to that complaint.

Date: _____

Signature _____

Name – Printed _____

Defendant Name _____

Mailing Address: _____

Street _____

City _____

State, Zip Code _____

Phone Number _____

Email Address _____

1 Property Address :

2 Parcel
No.(s): _____

3
4 Street _____

5 Street _____

6
7 City _____

8 State, Zip Code _____

9
10 Attorney Information (if applicable):

11 Company/Firm Name _____

12 Attorney Name _____

13 Street Address _____

14 City _____

15 State, Zip Code _____

16 Phone Number _____

17 Fax Number _____

18 Email Address _____

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PROOF OF SERVICE

I, Eugenia Duran, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 300 South Grand Avenue, 25th Floor, Los Angeles, California 90071. On August 4, 2020, I served a copy of the within document(s):

LETTER DATED AUGUST 4, 2020 TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES AND CALIFORNIA DEPARTMENT OF WATER RESOURCES, SOUTHERN REGION OFFICE REGARDING COMPREHENSIVE GROUNDWATER ADJUDICATION

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Los Angeles, California addressed as set forth below.
- by placing the document(s) listed above in a sealed _____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

Karla Nemeth, Director
Spencer Kenner, Chief Counsel
California Department of Water Resources
1416 9th Street
Sacramento, CA 95814
Email: karla.nemeth@water.ca.gov
spencer.kenner@water.ca.gov

Timothy Ross Ph.D., P.G., CHG
California Department of Water Resources,
Southern Region Office
770 Fairmont Ave, Suite 200
Glendale CA, 91203
Email: timothy.ross@water.ca.gov

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage

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meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 4, 2020, at Los Angeles, California.



BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW
655 WEST BROADWAY, 15TH FLOOR
SAN DIEGO, CA 92101